

Fernando NAVARRO v. STATE of Arkansas

CR 06-549

\_\_\_ S.W.3d \_\_\_

Supreme Court of Arkansas  
Opinion delivered June 22, 2006

APPEAL & ERROR – FULL-TIME PUBLIC DEFENDER – MOTION TO BE RELIEVED AS COUNSEL DENIED WITHOUT PREJUDICE. – Where appellant’s attorney was a full-time public defender, but failed to state in her motion whether or not she was provided with a state-funded secretary, the supreme court denied her motion to be relieved as counsel without prejudice.

Motion to be Relieved as Attorney for Appellant and Stay Briefing Schedule; denied without prejudice.

*Cristi Beaumont*, for appellant.

No response.

PER CURIAM. Cristi Beaumont, a full-time state-salaried public defender for the Fourth Judicial District, was appointed by the trial court to represent Appellant Fernando Navarro. Beaumont petitions this court to be relieved as counsel on appeal based on this

court's holding in *Rushing v. State*, 340 Ark. 84, 8 S.W.3d 489 (2000), which states that full-time, state-salaried public defenders are ineligible for compensation for their work on appeal. Since *Rushing*, the General Assembly passed Ark. Code Ann. § 19-4-1604(b)(2)(B)(Supp. 2005), which states:

A person employed as [a] full-time public defender who is not provided a state-funded secretary may also seek compensation for appellate work from the Supreme Court or the Court of Appeals.

Beaumont did not state in her motion whether she employs a state-funded secretary. Therefore, Beaumont's motion to be relieved as counsel is denied without prejudice.